

MISSOURI STATE COMMITTEE OF INTERPRETERS
PUBLIC HEARING - OPEN SESSION
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**NOTE: THIS IS AN UNEDITED REALTIME TRANSCRIPT
OPEN SESSION**

LORI KNABE: I would like to introduce some VIPs that we have here today. Greg Heller who is a commissioner for the Missouri Commission for the Deaf. Also, Dan Betzler and Jean Galloway of the Board for Certification of Interpreters. Thank you. And another thing I would like to announce is the State Committee will be presenting at the Interpreters Convention November 13, 14, and 15th at Tan-Tar-A. I believe our presentation will be on Sunday, and we hope to see you all there.

LOREE KESSLER: Do you want to discuss comments?

DEBBIE ULINSKI: On November 14 at the Deaf Empowerment Workshop I will be presenting about how to file a grievance against an interpreter, what your rights are, what the interpreter's rights are. And that will be at 2:30. So please spread the news.

LORI KNABE: Okay. How do you guys want to handle this? Do you want to do comments pertaining to each rule or comments as we received them by the speaker? I would encourage our audience members to come sit up closer if you need to hear or see the interpreters. We each don't have our own microphone.

DEBBIE ULINSKI: Please can I have everyone's attention. I don't know if we can blink the lights. Yes. For the deaf individuals in the audience, for my own comfort would you please move closer. Can you see the interpreter okay? Are there any other deaf people here? Oh, please. We did try to get the information out.

LOREE KESSLER: My name is Loree Kessler and I am the executive director. If you can't hear me, say so, because I can project. There were questions about format for sending out the rules. We received the REGISTER even though it is published on the 15th. It takes two days to get to the division. We then made copies of the REGISTER, publication rules only. We did not make copies of the financial reports that go along with it called fiscal notes because it is very expensive and it would increase the cost of our mailing and our copying. So we disclosed the cost in the rule. But they are on the Committee's web site. And if you want a copy, I can send it to you. We were interested in containing the cost. The second reason I can only suggest that you didn't get a copy, is that it's

delivered by the post office. And it is a bulk mail. Bulk mail is not a high priority handling. So it does not get the first class next two or three-day treatment. We used a bulk mail again because it was three times less in an expense of mailing the rules versus sending them out first class mail. Since the Committee does not have any funds at this point in time, costs containment was really a concern that we did not exceed the costs of mailing. That's why a bulk mailing was selected versus first class.

Regarding the publishing of notices, they are published at the division. We also put them on the Committee's web site. We also try to inform the commission staff that upcoming meetings are going to occur. On who was supposed to get the a mailing number we relied on the a commission. We also got a list of associations, churches, deaf clubs, advocacy, groups, and they were also included in our mailing list. Regarding the cost of the administrative part of this law, interpreters that are licensed much like certified interpreters do not receive any revenue from the Missouri general assembly. It means you must generate enough money to operate your office, pay your staff, and cover all of the costs to include general counsel, printing your rules, and even having this hearing today is being paid for by the interpreters that will be licensed in Missouri. A detailed cost analysis is required by law. It is called the public sector fiscal note. If you would like a copy of that, please send me an E-mail or drop me a line. Or again it is available on the State Committee's web site. It provides a cost break down per rule of administering that section of a requirement. So all of my salary, the cost of these meetings, the transportation and expenses incurred by committee members to travel to meetings, are all disclosed. Licensure fees are not established by the amount of money paid to that individual to provide that service. Additionally, over all, the cost has to be computed and divided by the amount of people that are expected to be licensed. So this is not a profit making venture. We try to make sure that they are in line with other boards. If you had 80,000 interpreters, much like other boards like nursing has, your fees would only be 15 or 20 dollars. We are talking about licensing between four and five hundred people, your fees will increase. The other thing -- some of the other things you pay for along with my salary and this meeting is general counsel. When our funds are audited by the state auditor's office, we must pay a portion of that, we must pay our rent, all of our utilities, so I think the fiscal notes might help clarify how we came upon those fees. Your research fee is often incurred -- when we are asked by attorneys or outside entities to provide specific information. It would normally not be paid by a licensee. If you want a copy of your application file, you probably could get it for free. But when we have to go into records, make copies, research, get information, if I have to seek clarification from counsel regarding what I am allowed to disclose, those are all costs that are incurred by the State Committee. So that is not a fee that would also be paid along with your annual renewal fee. Right now the plans are for annual renewal. The other thing that we have to do is we have to pay back all of the costs that we have incurred in the last year because we haven't had a fund. So the fee has to cover that. And the general assembly requires that we

establish fees to run an office for at least three years. So it has to be looking forward and strategically planning our costs. And as you know, if you see your prices go up in the store, more likely government's costs are going up too. So we did try to keep them in line with other boards of similar size. And that's how we based it. Why do we charge so much for an insufficient funds check? It may cost the private sector 29 dollars, but it costs state government considerably more. We not only have to process the check, we have to make the check good from our funds. So if an interpreter mistakenly or whatever bounces a check, we have to make the check good, then go back and collect the amount. There is a considerable cost to that. And in the meantime that interpreter is still practicing. Even though their check was not good. So it is a deterrent, yes, I have to say that. But there is a little bit more expense involved in that collection.

LORI KNABE: A copy cost. The her explanation of staff time, and that, you understand maybe why the copy cost is a little more expensive than Kinko's? Private entity costs.

LOREE KESSLER: Private entity costs are paid by you, the licensee. You are correct, in the certification cost is separate. The cost to get continuing education is separate. However, it is directly related to your ability to be licensed. Law requires that when we are putting together what is called the Fiscal Note, we have to look at every single cost that we possibly can identify. If you have to have a certificate to be licensed and you have to have continuing education to maintain your certificate, that's directly related to keeping your license. Therefore, we were advised by counsel, and the State Committee, we disclose as much as we possibly can on a potential expenses, directly involved with licensure. So the response to your question is, yes, that cost is paid by the licensee. But it is, even though it is certification based, it is related to keeping your license.

LORI KNABE: And there were some questions about temporary permit, and temporary license. The. The temporary permit is granted by the Missouri Commission for the Deaf, and the temporary license is granted by the State Committee. So they are not the same thing. They are two different entities. I am sure you are all aware that a license is required for you to work. Does that clear up that question? 2.020, application for interpreter license.

SPEAKER: The question I had was subsection 3. I think it is not supposed to say permit then.

LOREE KESSLER: It needs to say license. We have the word "license" -- actually we have the word "permit. It needs to say "license". When the Committee looked at the fee structure and a temporary license is good for 90 days. The same amount of work goes into processing that application and

committee review, plus these people who have the temporary license need to be compelled to be on par with the rest of the licensed interpreters of Missouri. And perhaps that \$60 will compel them to get certified and get licensed instead of just applying directly for a temporary license.

SPECTATOR: Is that the only time it is used is with a temporary permit. Or might it be used like someone said, about in regard to CEUs, what is it for?

LOREE KESSLER: The law defines what a temporary license can be issued for. And it is very specific. It can't be issued because you are missing something.

SPECTATOR: I was wondering what it was for. It is if you have a temporary permit -- until you pass the test?

LORI KNABE: In some cases, yeah. It is my understanding that a temporary license was set up for like visiting faculty, and things like that. If they were to come in for a brief stint of time, so that they would be able to work within the State of Missouri.

LORETTO DURHAM: Conventions, for out of town interpreters, that sort of thing.

LORI KNABE: Glenace, you raised the question for one check for PCMs, and license renewal. The permit certification maintenance is under the authority of the commission, and the license is under the authority of the State Committee which are separate entities. So those would be separate payments.

GLENACE HUMPHREY: We just wanted to make sure we needed two checks.

LORI KNABE: If you wanted to send us more money. (LAUGHTER).

GLENACE HUMPHREY: I think -- I had a question that you were looking down. On the back of Vicki's, relating to the temporary license. So you are saying if an interpreter comes from out of state to do a one-day conference or a weekend conference, that they have to pay \$60 for a temporary permit to work in the state.

LORI KNABE: If they want to work during that time frame.

GLENACE HUMPHREY: Isn't that pretty steep? I mean I have worked all over the United States. And internationally. Well, I guess.

LORI KNABE: I guess they would have to consider is it worth working –

GLENACE HUMPHREY: Is it worth coming to Missouri. I thought, whole!

LORI KNABE: Glenace, you raised another question about CEUs being due 90 days prior to license renewal. Would somebody like to address that?

LORETTO DURHAM: The reason that was decided is so MCD would be able to collect that information and give it to us. So that we could -- to make sure those were in place before we would renew a license. If it is any later and they get it to us later, then your license is going to be late. Because if we don't know that you have those PMCs, CEUs in place, when we can't administer a license.

GLENACE HUMPHREY: Right. And we understood that. But it is really going to cut down for people.

LORETTO DURHAM: Also the interpreter convention is 1.2.

GLENACE HUMPHREY: But we also know a lot of people are not able to -- I mean we wish they all could. But we do know there are interpreters that have to stay back and work or for whatever reason, family, they can't attend. No, I agree, that's great. You can get them all in one place.

SANDY DRUMMOND: I have a comment. Also it is my understanding that PCMs, will operate on a yearly basis. So you have to earn 1.2 CEUs or PCMs, because their deadline is 90 days before ours. It doesn't mean you only have nine months to get them.

LOREE KESSLER: For clarification, again, you are dealing with certification, and continuing education. And that really needs to be addressed to the commission. However, when you are licensed a renewal is sent to you, based on time. If you do not have your continuing incompleting, that doesn't mean your license is automatically revoked. That requires the State Committee to inform the licensee that certification is not current, according to commission records, and the necessary legal steps have to be taken to either allow the applicant to respond on why, or to proceed with the

revocation. It is not automatic. It requires an administrative process going to a hearing judge, making sure that we are following all applicable rules. So I think sometimes there might be some misunderstanding that licensure and certification went together, but if you don't have your CEs that doesn't automatically mean you are not going to get your license renewal. Did I muddy up the water any more.

GLENACE HUMPHREY: We understand you would receive the license renewal. But if you do not have your CEUs that you need, then your license would not be renewed because it is dependent -- I mean they work hand in hand.

LOREE KESSLER: But the Committee has to follow legal proceedings to institute a denial of your license. It can't just say, for instance, Glenace, your license is no longer current because you don't have CE. We, the Committee, has to follow legal requirements, and legal steps to deny the renewed license.

GLENACE HUMPHREY: Can I just ask, on the back of that. So if MCD informs you, yes, this interpreter is not in compliance, does not have enough CEUs, whether it is .1 away, or none of them, then you have a -- I don't know what your time frame would be -- then you would notify the interpreter. Is it an automatic -- after that process, is it an automatic revocation, or do you give a warning and say, you don't have the CEUs, you need to get with the Missouri Commission for the Deaf, or whatever? What happens at that point?

LOREE KESSLER: I think the commission would need to notify you if you are deficient, because we would have ready access to that information. I mean procedurally. And then if they identify this person that is not in compliance with the continuing education requirements, again, we are still required to send out those renewals, you send your money in, whoops! You don't have your CE, then the certification is not current. Because that's what makes -- that's how the licensure and certification work. But it is not automatic. It is not automatic.

LORI KNABE: Another concern that was brought up was about under general principles, section 5 an interpreter shall not allow the pursuit of financial gain or other personal benefit to interfere with the provision of interpreting services. And I think this has caused a lot of misunderstanding. The intent is not that interpreters will not get paid. The intent is as you -- I think that you have understood -- is that interpreters will not extend the length of an assignment for personal benefit or use

information from an assignment for personal benefit, and things like that. I don't know how we can make it more clear. Do you? Do you guys have that wording? This was a copy that was sent to us.

SANDY DRUMMOND: I was reading, if that is similar to the -- number 15, in the general principles which says an interpreter shall not engage in exploitive relationship with the consumer, but it is not.

LORI KNABE: We could sketch this out at a meeting, if you want to come up with other wording. Does that answer your question?

SPECTATOR: Why is there just one -- I was wondering why this time around there is only one town meeting, when for the certification rules, there were like three to five I think and the Senators who directed the hearing chided the commission for not having more. And listening more to the people. And I was just wondering why we only have one town meeting, and it was after we were supposed to have finished getting our comments to you, which I didn't have time from the one day I got it to four days later the deadline to sit down and do that. I had other things that I already had to do. And I went ahead and did it over the weekend and faxed it and hoped it might still do some good. I was just wondering why we are having so little town meetings this time.

LORI KNABE: And Loree was speaking before. Right now the State Committee is operating on borrowed money. We have not collected any revenues, and we are just -- at the mercy of the state right now. So it was in the interest again of keeping costs down. The other thing that is different from the Missouri Commission for the Deaf, the State Committee is under the bureaucracy of the Division of Professional Registration, as well as Department of Economic Development. And our rules had to travel under many legal eyes, many more so than what the certification process had to go through. So I think it had approval of a lot more government bureaucrats. And I think that that would probably be more satisfactory to the Joint Committee.

SPECTATOR: I don't remember but it could be this too. Were you mandated to have all the licensure up and running by a certain time? Is that part of it, or could we not have maybe had this meeting --

LORI KNABE: There is certainly pressure on us to get this started yesterday, yes. But as a specific deadline, no. There isn't. But they definitely wanted it to be moving.

SPECTATOR: I understand that. I just wish we had a little bit more time to process it.

LORI KNABE: Thank you.

SPECTATOR: Thank you.

ART DIGNAN: Does this mean that during this time -- that I would like to add that in the meantime we want to encourage deaf people to participate and be involved. As we have said there are only three or four deaf people in this audience. And I am very concerned that deaf people be a part of this meeting. I think that is fair to the interpreters also. Thank you.

LORI KNABE: Would the State Committee like to extend time frame or in accepting public comments. Our original deadline was October 15th. Perhaps extend the deadline one month.

DEBBIE ULINSKI: I think that we need to extend the deadline and get more people to be involved. These are very small numbers that are here today. I believe that we need to extend that and try to get as much information as possible. That means you people in the audience need to contact other people that we can get people aware of this -- these issues.

LORI KNABE: So do you want one month deadline? All in favor of extending the deadline for public comment -- oh, I am sorry.

SANDY DRUMMOND: I will make the motion.

LORETTO DURHAM: Second.

LORI KNABE: All in favor of extending the deadline for public comment which would be November 15th please indicate by show of hands. Great. Glenace, you made a comment about where the meeting time, places, and dates would be posted. That's at our State Committee office, Division of Professional Registration. And I think it is in the rules, the address.

SPECTATOR: Excuse me. My concern is for the extension of the date. Wouldn't it be better to do it November 16th, instead of November 15th, so you could inform the interpreters at the Missouri interpreters convention that would attend and discuss it on the following Monday when there are not workshops going on.

SPECTATOR: And also maybe have a town meeting there again.

LORETTO DURHAM: The agenda for the convention is already set. I don't know that we will be able to get the room to have a town meeting afterwards. And how much are they really going to work on this at the convention. I mean if we announce it on Friday night, who is going to spend their weekend at the convention working on these rules? I don't know.

SPECTATOR: Well, if they have already got them, they can already be deciding what they think about them. And when the certification rules were out, it was not on the agenda that it was going to be -- that they were going to have a town meeting on it. We found out when we got there on Friday. I know because I was supposed to direct a meeting during the time when they had the meeting.

SANDY DRUMMOND: I missed the question. (LAUGHTER). So are we postponing it for one more day, or are we talking about having some type of public hearing after the convention.

LORI KNABE: Both.

DEBBIE ULINSKI: So does that mean it we would meet November 16th?

LORI KNABE: That's up to you guys. You guys decide.

LOREE KESSLER: How many deaf people go to the MCD conference?

DEBBIE ULINSKI: That's a good question. November 16th is the Monday after the convention.

SANDY DRUMMOND: I would suggest if we are going to extend it, even a day more why don't we just extend it to the end of the week to give people when they get back. If we are going to extend beyond the 30 days, we might as well extend it to the Friday after that, which would be the 20th or 21st.

LORI KNABE: The time constraints that we are working under are that we have to file with the Joint Committee of Administrative Rules by a certain date. And the Committee needs to get together and have time to discuss the comments that we receive by that certain date.

LOREE KESSLER: 90 days from the 15th of October. So you have got until January. But it is going to be another two months probably before you are even able to –

LORI KNABE: So every delay is –

LOREE KESSLER: As long as people understand -- but I understand the comment of getting the deaf community involved. But if you are just going to extend the deadline and only 7 people from the deaf community show up at a town meeting at the lake, we haven't met the needs of that community. So I think that -- we need some guidance.

WILLIAM ROSS III: One of the issues we also need is extending the deadlines. On paper it looks like the deadline is passed. You people, as well as us, have to contact people you know and say, you have 30 more days to do something about this. Because our deadline is going to be -- already expired for comments and things like that. So for us to receive comments, we have got to spread the word again and tell people, you still have time. And no one is going to know that the deadline has been extended for 30 days unless you tell them.

LORI KNABE: Is there a motion for –

SANDY DRUMMOND: I was planning to amend my original motion. To extend the deadline to November 20th, I don't have my calendar.

LORI KNABE: Loree is suggesting December 1st.

SANDY DRUMMOND: That's great. I'll amend my original motion to extend the deadline for written comments to December 1st.

LORI KNABE: All in favor of the amendment indicate the same by show of hands. Okay. All right, so now it is your job for all of you to contact at least five people. Every single one of you. (LAUGHTER). It is your job. And you, especially. All right. (LAUGHTER). Okay. So I want to make sure we get all of these questions answered. Glenace, we are required under the Sunshine Law, Chapter 610 of the Revised Statutes of Missouri to inform individuals of our meeting time, places, and dates to be posted. So we are under the confines of that statute.

GLENACE HUMPHREY: Right. We just didn't know where to find it.

LORI KNABE: If you want to contact Loree Kessler at our office, she can let you know where the meetings are going to be held, time.

GLENACE HUMPHREY: You don't have it on your web.

LOREE KESSLER: Yes. If you want to be on the roster, that's fine. I just don't want to do 600.

GLENACE HUMPHREY: We can call and find out. We just weren't sure. That was just a question.

LORI KNABE: We also have a question, what is meant by interviewing applicants? This is in section 4 of 1.010. Okay. I have to be honest with you. We got a lot of this just standard rule language for many professions, not just ours. Our director is advising me if a complaint is filed against an applicants, before they have ever applied for a license, then the Committee could -- it is an option to them -- to request that the applicant come and talk to us before we issue a license.

GLENACE HUMPHREY: If a complaint has been filed and disposed of? If the complaint has been -- the interpreter is certified and a complaint has been filed and disposed of and then the Committee might have a question, is that what you said. I am sorry I couldn't hear all of it.

LORI KNABE: Yes, that is my understanding. Because we cannot discipline someone until they have a license, but we also have the authority to withhold a license. So we can bring in a person for just to answer some questions.

GLENACE HUMPHREY: But this would be or should be I am assuming, after all of this process is finished and set up and in January or whenever that is.

LORI KNABE: I think it varies on a case by case basis. I mean there are so many variables that I can't give you a standard answer for that question.

GLENACE HUMPHREY: Okay, so -- also that goes along with 1.030 with the complaint handling and disposition, on the first page of our comments.

LORI KNABE: Uh-huh.

GLENACE HUMPHREY: That they are now currently actively investigating complaints with interpreters? And our question is how can that be happening when there are no rules of conduct at this point and there are -- there isn't a process.

LORI KNABE: That's the authority granted by statute.

LOREE KESSLER: The investigation can take place for violation of the rules, for violation of the statute. And you can -- the State Committee can investigate if there are allegations of violations of the statute. So they can go ahead and determine if there is a violation of the statute. And to do that, of course, they have to receive the complaint, and have it reviewed by the State Committee to determine what course of action is necessary. So it can involve an allegation that a person or an interpreter has violated the law. Plus the certification board may have some concerns that it would like to refer to the State Committee to review, to determine if there is a possible allegation or violation of the statute. Because the authority of that investigative arm of the law rests with the State Committee.

GLENACE HUMPHREY: So do they inform the interpreter that has a complaint filed against them of which statute? They have possibly broken.

LOREE KESSLER: It is typically more general. It is typically more general. It is not going to say section, etc. It may say that a complaint has been filed by an individual. It could involve a situation where somebody might be interpreting and not even be certified and the State Committee wants to determine, is this person indeed interpreting and without certification or licensure? It would not be prudent for the State Committee to inform a person that they are being investigated if they are trying to find out if the person is working without a license. It would be a committee member, an investigator or someone would report, I think this person, for instance, is providing services, and I know they are not certified that. That would be an instance where, no, the interpreter would not be told that they are being investigated until after the fact that they have even determined if the interpreter was licensed or not.

GLENACE HUMPHREY: But if it is prior to licensing, and -- is the interpreter ever sent any kind of formal documents that either an investigation is on going or an investigation has happened? Is there any kind of due process. What it comes down to is there any due process for the interpreters. We have not found it. Maybe we are looking in the wrong place. Please just help us.

LOREE KESSLER: I understand.

GLENACE HUMPHREY: This is a big concern for interpreters at this point.

LOREE KESSLER: Any information regarding an investigation is confidential. A person who files a complaint will not have access to the results of the investigation or any committee discussion or deliberation. The only time that -- any information regarding an investigation is public is if the individual is disciplined. Then it becomes public because there is a filing with the administrative hearing commission. So much of the information is called closed record. And the applicant or licensee has the right to receive a copy of that information. However, there are some work papers that are not accessible to anyone except the State Committee.

GLENACE HUMPHREY: And then -- a part of that under that question was if the State Committee of Interpreters or the state investigator happens to go to the wrong agencies, the wrong hiring agencies, the wrong -- any of the wrong consumers and this information does become public knowledge, how is that -- that confidentiality has been broken, what recourse does the interpreter or any of the other consumers involved, is there -- what accountability does the Committee or the state investigator have regarding that? If it does happen?

LOREE KESSLER: The investigator receives their directives from the State Committee and the consumer. And a consent is given by the consumer. Often there is directives on the consent form on whom needs to be contacted regarding the complaint. The State Committee is not responsible for making sure that the complainant does not discuss the complaint with other individuals, nor if there is people in an employment setting and, you know, it is kind of like, hey, did you know that. The Committee really has no jurisdiction over that. We have to keep what the investigator gets confidential. But there is no control over the respondent if they want to self-report or tell their friends, or the complainant. Obviously if they do that, that doesn't lend credibility to that confidentiality in the relationship between the interpreter and the consumer that receives the services.

GLENACE HUMPHREY: But if the -- suppose many freelance interpreters work -- suppose in the St. Louis area, maybe in the Kansas City area, have three or four or five agencies, an interpreter works for all of the agencies, and it just so happens that an investigator for whatever reason goes to the wrong agency and, you know, says I am investigating a certain situation, and this is the person, and this is the situation, and oops, wrong agency. Then what happens. That agency more than usually more than one person, that particular agency knows that an interpreter is being investigated.

How are we going to give -- how are you going to give some guidance to the state investigator when it comes to so many agencies and entities that hire interpreters so they know -- I mean it seems really complicated. Sorry.

DAN BETZLER: I am Dan Betzler. I am St. Louis. I think Lori from what I heard you discuss earlier. It is from the time the complaint happens to the time the investigator is making the contacts is the area in which the concern lies. The validity of the complaint and the area in what kind of things exactly where the person goes or whatever, before they actually go to the agency, making sure it is a valid complaint and that the agency is a valid -- the agency in which was representing, or sending out the interpreter. Is that not correct? I think that might clear up some of the concern in regards to whether or not the investigation would be steered the wrong way. Does that make sense to you.

GLENACE HUMPHREY: It does make sense. But I mean it is possible that the investigator or even the Committee might get wrong information as to an agency or a hiring entity.

DAN BETZLER: Because of the number of agencies.

SANDY DRUMMOND: I wanted to respond to that. I believe that the investigators are used by the Division of Professional Registration are very knowledgeable and they also understand the importance of confidentiality of their investigations. They take care to make sure that confidentiality is maintained. When a complaint is received it is reviewed by the Committee first. And then we give direction to the investigator as far as what questions need to be asked, who needs to be contacted. And so they have direction from us, and advice from us. But they are very experienced in handling investigations. They don't only do investigations for interpreters. They handle all the different licensures within the Division of Professional Registration.

LORI KNABE: Mr. Dignan.

ART DIGNAN: I understand your concerns, and I also understand that obviously the people that we're talking about are the people that are deaf people themselves are filing the complaints, is that who we are talking about? So most of the time it would be a deaf person that did or would file the complaint. I believe that maybe you could inform the deaf person to keep quiet, that they are filing a complaint and not just share that with the community or anyone else or better yet to have a workshop for deaf people and the deaf community to explain and to inform them about this procedure. That is

what we have always wanted. So the few deaf people that aren't here, so they know what is -- the few deaf people here know what is going on. And in the future we can let deaf people know. We do have empathy for interpreters. And we do understand what is going on in the situations, and so we don't criticize them. And maybe next time we need to let deaf people know that they need to be quiet if a complaint is filed so that we will know what to do later.

DEBBIE ULINSKI: What workshop -- that workshop that is going to be taught is going to be the procedures and the direction and how you try and teach deaf individuals. Don't worry we will have that. We want to encourage you to know, and we want to encourage deaf people to understand that confidentiality is very important. And we support that confidentiality. We support the interpreters. We don't want them to worry that these confidences would be broken. We know that other people need to be aware of this, and we want to inform everyone about this.

LORI KNABE: Glenace, you raised another point about complaints being filed based on third party information I guess for lack of a better term.

GLENACE HUMPHREY: Hearsay.

LORI KNABE: The State Committee does not want to prevent an avenue for complaints to be filed. Of course, the Committee is going to consider that, if a complaint -- if the only information we have is hearsay, the Committee will deal with that. But it is important that individuals have every avenue possible to protect the deaf consumers and hearing consumers alike.

GLENACE HUMPHREY: Excuse me. Do you, on that third party or hearsay, or even complaints being filed, are they ever allowed to be anonymous.

LORI KNABE: Certainly.

GLENACE HUMPHREY: Well, I just hadn't read it anyplace else.

LORI KNABE: Certainly. Of course, an anonymous complaint makes it more important for our investigator to follow up. Glenace, have we answered your questions on fees already?

GLENACE HUMPHREY: I think so, other than, is that 1.040.

LORI KNABE: Yes, yes.

GLENACE HUMPHREY: I still -- I -- quite a few people have brought up the concern that it just seems a little steep and it seems like since we are a small group that we are being penalized because we are a small group. But we will never be in the thousands in Missouri, face it. Then we won't be working full time. As you well know there are certain months of the year that many interpreters, you do not have a lot of work. I mean I don't care how skilled you are, or what level of certification. And whether you are educational, or whether you are freelance, we know government takes off, basically during the summer, so you don't get a lot of workshops, and things you would interpret or conferences or something. So I just wonder how that's really going to impact, you know, -- I mean some of us that work in larger cities, it is not quite so tough to get work. But other smaller cities, or rural areas, but even in the cities, face it, Christmas time, January, even summer months, sometimes you work ten hours a week. And I just -- I can't see the balance. I can't see the equality there. But when you said, you know, you explained that since we are a small group, they have to charge us more, so we can pay for us to have a committee, it just is kind of questionable, you know the practice of doing that.

LOREE KESSLER: It is the standard. It is not discriminatory against interpreters or any other group. That's why, if you were a stand alone group and had to pay all of the salary of a full-time person, and a licensure, you would be paying three to four times more in your fees. My job and the licensure technician, our Attorney General, our investigators, we try and spread their expenses across the boards that they service. So you are never paying the per hour rate. I mean if we are doing an investigation, for instance, we hope that that investigator is also handling an investigation involving an athletic event, and a counselor, and a psychologist, and they are doing like four things so you are not paying the full expense on your own. But when your legislation passed, I don't recall your fiscal note not including this cost in it when the legislation was discussed and passed by the general assembly. So I don't want to say this should not be a surprise to you, because it was part of the legislation, that there was a cost attached to.

SPECTATOR: Right. It just didn't say what the cost was.

LOREE KESSLER: There was a cost break down as far as the amount of money needed to start up your board, and it was higher.

GLENACE HUMPHREY: Well and. Okay, we won't go there right now with what happened previously. But could you give us some examples of groups that are approximately our size so we can --

LOREE KESSLER: Optometrists are about the same size. That's one of the main groups that we used to look at your costs.

GLENACE HUMPHREY: Really. Aren't they' degreed.

LOREE KESSLER: It has nothing to do with a degree. The division looks at how much does it cost to operate an office, not how much does the profession make. If that were the case, none of you would have to pay fees, and we would let the doctors pay for everything.

GLENACE HUMPHREY: I don't think many of us mind paying for the fees. We want to be licensed in the state. We don't have a problem with that at all. We don't mind paying.

LOREE KESSLER: You know. When you talk about being a non-degreed profession, that does not - that is not part, you know, it is not part of the math.

GLENACE HUMPHREY: We could maybe join the optometrists --

LOREE KESSLER: You are already part of two groups as far as costs being spread out. 1900 counselors and marital, and family therapists have approximately estimated 300 licensees. Their application fee is \$225 and their annual renewal is \$175.

GLENACE HUMPHREY: Well, in comparison in salary, I can understand that.

LOREE KESSLER: It is not based on salary, it is based on cost.

GLENACE HUMPHREY: I know I am thinking about the people that it will be a hardship to pay and especially if they have agencies or entities or school districts that couldn't help them with some of these costs especially. I know you are not concerned about certification costs. But some of the interpreters are. And so I am just thinking of -- all of these costs when we were told, it will be nominal, I mean for other costs. So it is really going to impact a lot, especially rural interpreters. Okay. Thank you.

SPECTATOR: Back on fees. The research fee, I didn't think to ask you this, but is it part of every time you get it renewed or is it based on just the complaint.

LORI KNABE: Yeah, no. It is not part of your annual process.

SANDY DRUMMOND: Can you explain that again.

LOREE KESSLER: Research fee is allocated when something needs to be done over and above our daily operations. We frequently within the division receive requests from attorneys, associations or groups that want certified copies of our certain records or to go back and determine when something changed or occurred. That is when a research fee could be allocated, it could be allocated to the person who asked for that task. An attorney writes and says, I want this, this and this. We try and determine -- we have to figure out how much does it reasonably cost to do that? How much time did it take us? And then that's the research fee. But it is not something typically that is paid by a licensee. Very rarely.

LORETTO DURHAM: I am just wondering, if you need a break. If the court reporter needs a break.
>> Thank you.

LORETTO DURHAM: Don't want to abuse her.

LORI KNABE: Under general principles. Oh, I am sorry, go ahead. Please stand up, so we can hear you.

LAURA SHIELDS: My name is Laura Shields, and I am not sure I heard the comment a little while ago. I understand certification cannot be enforced until the year 2003. So if the person was a Level 2, and they were going to do Level 4 work, that's legal until -- if everybody is getting along, and everybody is happy and communication is happening, that's legal until the year 2003, is that correct?

LORI KNABE: I think what you are referring to is the requisite skill level rule, which was developed by the board for certification of interpreters. And to comply with that rule, compliance is delayed until the year 2003. However, the State Committee is concerned about people operating outside of their scope of expertise, and skill, training, education, and things like that. And if a

complaint is filed, say, somebody like me a provisional permit decides to go into court one day, I definitely should not be there. And if a complaint were to be filed, the Committee would have recourse to discipline a license before 2003.

SPECTATOR: But that is a complaint. That is not if everybody is happy.

SPECTATOR: That's not the law. If it is a person who is in court, and who is oral, and they don't use sign language. And you are more oral interpreting. And newer court and --

LORI KNABE: First of all, oral interpreting is not covered under the statute.

SPECTATOR: Okay.

LORI KNABE: I can barely hear you. I am sorry.

SPECTATOR: Okay. So answer is if you are -- let me make sure I am right. So if you are interpreting out of your level, beyond your level, and a complaint is filed, that you are held liable for taking that job, agreeing to do that job, is that correct?

SANDY DRUMMOND: My response would be that in the rule for general principles, when it talks about -- let me see where it is at. 3.0103. An interpreter shall not accept an assignment if the interpreter does not possess the ability, education, training, and experience qualifications as defined by the certification system. We do not look only at your certification level when we look at complaints for this rule. Not only that, we don't have interpreter police. No one is going to be running around looking for interpreters that are working outside their skill level. It is possible that someone else might file a complaint against you, based solely on your certification. I would suggest to you. That the Committee would look at not only your certification level, but everything else that makes you a qualified interpreter as well.

SPECTATOR: That answered my question because it didn't seem fair somehow that a complaint could be filed only on that. But --

SANDY DRUMMOND: Well a complaint could be filed based on only that.

SPECTATOR: We have bound by that any way. We have a code of ethics, of course. So we are bound to only accept jobs we are qualified for any way. So I was interested in that. And you answered my question any way. Thank you.

LORI KNABE: Under general principles, you raised a question, Glenace, for consumers. Consumers are defined in section 2 of that rule.

GLENACE HUMPHREY: Right. I knew I read it, I went back and reread it until I found it. I put a note on mine. Thank you.

LORI KNABE: Great. Under section 17 –

GLENACE HUMPHREY: And number 15 also. Could you give us an example on 15. We were trying to think of some examples.

LORI KNABE: Exploitive relationship. Okay. This is inventive language. In some professions they have come up with something similar to this, only I refer to it as the nasty laundry list. They say that the professional will not engage in actions of a sexual nature, and you can just envision the terminology. So in order to avoid that kind of language in our rule, we wanted to just use the term "exploitive relationship". Which can mean many things.

GLENACE HUMPHREY: And why did you not want to use language that is already used in other rules, why was that?

LORI KNABE: It was just a suggestion. We are not -- we don't have to follow -- and it is not used in every profession.

GLENACE HUMPHREY: I just -- it might make it clearer. It might just make it –

LORI KNABE: I think the committee's rationale –

LORETTO DURHAM: One of the problems that came up with that is it specifically states that you cannot have a sexual relation with anyone that you are interpreting for. And think about the number of people that actually interpret for their husband or their wife, and they are comfortable with that.

And they have gone in and told everyone. This is my husband, and I am interpreting for him. If everyone is okay with that, should we say, no, that's illegal now. You can't do that.

GLENACE HUMPHREY: Well –

LORETTO DURHAM: No more sex. You can interpret for them, but you can't have sex with them any more. (LAUGHTER). I didn't think they would like that. (LAUGHTER).

GLENACE HUMPHREY: That's why it is suggested that you do not -- maybe that is RID, that it is suggested that you do not interpret for close friends, family, and ya-da, ya-da.

SANDY DRUMMOND: So the problem we came up with was I may be interpreting at a convention or workshop, and there might be ten deaf people there and my mother walks in. Okay. And so now all of a sudden I have to excuse myself from the situation, because I have a familial relationship with this person. And so we wanted to avoid situations like that if my husband were deaf, oops, I saw my husband, last night, you know, I can't interpret for him today. (LAUGHTER) So we didn't want that type of thing. That was the reason for changing the wording.

GLENACE HUMPHREY: For some reason we were thinking financial. I don't know why we were thinking financial. Financial reasons that an interpreter -- let's say the deaf consumer, maybe the hearing consumer, would be conspiring to do something, and it fell through for another party, and we couldn't think of any –

LORI KNABE: That could happen. I think that's why the State Committee opted for the exploitive nature because it is not limited to just a physical relationship.

GLENACE HUMPHREY: We weren't only thinking of the sexual relationship. We were thinking financial.

LORI KNABE: Especially in the educational setting, where exploitive relationships can happen very easily.

GLENACE HUMPHREY: Thank you. We just never thought of the other.

LORI KNABE: Number 17. About consent form. I am not really familiar with this complaint process

yet. So you have to bear with me.

GLENACE HUMPHREY: That's fine.

LOREE KESSLER: Consent forms are sent to.

LOREE KESSLER: For handling a complaint with this committee, if you don't have the form, your response is I can't respond because you don't know that the person has authorized you to discuss the complaint.

GLENACE HUMPHREY: Okay. So one of the questions is that the form is given to just the complainant.

LOREE KESSLER: Yes.

GLENACE HUMPHREY: But it is not -- the consent is not given to anyone else. It just -- it must be shown to the interpreter so that they know that the consumer, deaf or hearing, that the consumer says, oh, yes, this is fine to discuss it with the investigator or the Committee or whomever is involved.

LOREE KESSLER: (Shaking head).

GLENACE HUMPHREY: So that form has to be shown.

LOREE KESSLER: Sometimes a consent form cannot automatically be given to the interpreter because there may be parties on that consent form that cannot be disclosed to the interpreter that the complainant has given to the Committee, that it might involve the interpreter, the caseworker, the doctor, and other entities that the interpreter might not know about. Sometimes we get the consent form, and it says, I want you to talk to this person, and this person, and this person. We can't disclose to the interpreter everybody that the State Committee has been authorized to talk to about the complainant. Do you know what I am saying?

GLENACE HUMPHREY: Uh-huh.

LOREE KESSLER: What we typically try and do is get separate consents then.

GLENACE HUMPHREY: I was going to say maybe separate consents. Because if someone else on that list, if one or two other people even -- if it is a list of five names, it seems like all should be party to -- but if it is a separate consent, that would clear it up right there.

LOREE KESSLER: Uh-huh.

GLENACE HUMPHREY: But the -- so does the interpreter -- if they are contacted they don't fill out a consent form to say, yes, you can talk with? It is only the complainant, and they name so many -- one or 20 people or whatever.

LOREE KESSLER: Or they may give a general consent. I authorize you to talk about my complaint to anybody who would have knowledge of the situation. So maybe they were in a situation in an emergency room and a lot of people witnessed the situation, and they are authorizing the State Committee to talk to any of them.

LORI KNABE: Does that answer your question? Okay. Now I have a question on yours on consumer welfare. 3.020, section 2, you have in your question, consumer providing financial information to the interpreter.

GLENACE HUMPHREY: I can't hear you.

LORI KNABE: On first sentence, 2 B.

GLENACE HUMPHREY: I know it is not really a sentence, I know.

LORI KNABE: No I am not talking about the grammar. I just want you to understand that it is the a interpreter shall provide the following to the consumer, not the other way around.

GLENACE HUMPHREY: That's what I am saying. Why would we provide our financial information, financial arrangement to the consumer.

LORI KNABE: Upon request. Upon request from a consumer.

GLENACE HUMPHREY: Why would I tell a consumer, what I am being paid or who is paying for my

services?

WILLIAM ROSS III: You have to remember the word consumer not only refers to the deaf client but also the person who hired you. Like the doctor, if you do not tell them what you charge, they may not pay you. You have to pay you, and it is kind of a situation where you need to inform the person who hires you, they ask how much you make an hour, you inform them.

GLENACE HUMPHREY: But that would be done prior to, that wouldn't be done --

WILLIAM ROSS III: It is not always that way.

SANDY DRUMMOND: And the thing is it says financial arrangements. It doesn't say that you need to tell them how much you get paid an hour. It doesn't say you need to tell them how much your income is. Of course, if you are dealing with someone who is paying your bill, you need to discuss those things. As another consumer, you should simply comply by saying my bill is being paid for by this agency.

GLENACE HUMPHREY: But would I even need -- I mean maybe that is confidential information. Maybe the consumer that is paying for the interpreter's services maybe chooses to be anonymous.

SANDY DRUMMOND: Then you can comply by saying, you are not responsible for paying my bill.

GLENACE HUMPHREY: Okay.

LOREE KESSLER: Glenace, you asked about the limits to confidentiality, and what does this mean? The example that is given in this situation is when you are particularly in a mental health setting, and you are interpreting in group therapy, so they understand that people that are receiving these services, you know, that the group therapy and the confidentiality involving the group is applicable to you, and not just the therapist. Sometimes people say, well, blah, blah, blah, blah and you go out and talk about it. It is good that everybody knows that it applies not only when it is two parties, but you might be doing a group, and it is a confidential group.

GLENACE HUMPHREY: So you are saying the interpreter needs to state the fact that -- and well, I am speaking for myself, and yes, we -- I do that. So I just didn't -- we just didn't know that that's what you were meaning.

LOREE KESSLER: And you might be doing a therapy session, and I think this is really -- happens a lot in mental health. I think Kim was talking about it in a meeting. You are doing interpreting for a family, and then there is individual therapy being done. And people need to understand that these are two separate assignments, and you don't co-mingle your information.

GLENACE HUMPHREY: And a professional interpreter would know that and understand that, and follow that code of ethics. So, okay, we just weren't sure, that's why we just wanted clarification. Did you address -- I am sure you did, maybe I just hear it.

LORI KNABE: That's all right.

GLENACE HUMPHREY: After a complaint has been disposed of, whether there was no -- whether there was no evidence and the case was dismissed or whatever, at that time is the interpreter allowed to speak about this case, speak about a complaint that has -- had been filed against them? And has been disposed of? Where lies -- since it is a confidential situation any way, and we hold confidentiality dear both for deaf and hearing, what is the interpreter able to talk about? Just -- I mean can they say a complaint was filed, and not just giving any particulars? Or -- but that's once that is disposed of.

LOREE KESSLER: I think -- I want to make sure we understand you. The complaint is filed. It is investigated. It is closed. No further action. Can the interpreter then talk about the complaint with another interpreter? I think for case study purposes, you might want to. This is what happened to me. But if you disclose who you interpreted for, then you violated the confidentiality that is involved in the act of interpreting. Not necessarily the complaint, but just in the act of interpreting. But if it is generic saying, you'll never guess what happened to me, I went into court, this person saw me, reported to the committee that I am not competent, and here is what happened. I don't think that the Committee can regulate that.

LORI KNABE: Does that answer your question?

GLENACE HUMPHREY: Well, I mean bag professional interpreter, I keep confidentiality, and so because of whatever the assignment would be for an interpreter, they would want to keep that confidential, even though. But they would also probably eventually want, like you said, case study, and for liability reasons to get interpreters to be aware that there is liability insurance out there, and

that there are going to be more complaints filed in the future. So, you know, we just want to make sure that no lines are crossed inadvertently. Thank you.

LORI KNABE: Are there any other comments?

SPECTATOR: I have a question. Since you say, one person can't pertain to the law until 2003. I am in 00 situation, that in no Missouri, I have gotten one level. And since then I got RID, CI/CT. And I am another level in Kansas. Say I take a level I feel professionally I am competent for, court. State says I have a Level 3. Somebody files a complaint with you. Are you going to take all the credentials I have into consideration, or are you just going to assume Level 3, I should have known better.

LORI KNABE: Well, I think that is something that Sandy addressed before. You would think I would have this memorized by now. Section 3, under 3.010, general principles. It says an interpreter shall not accept or continue an assignment if the interpreter does not possess the ability, education, training, experience, and qualifications as defined in 209.285, section 3. It is not merely based on certification level. (Check.)

SPECTATOR: In other words, what I am saying is because I haven't able to grandfather in because of the deadline, and I got my RID certification after that, so I went ahead and took the state test, and they gave me a Level 3. National says I am competent. I feel I am competent, how is that going to affect me if somebody files a complaint that says, he is Level 3 Missouri, but he was doing court. Level 3, it says I can't. But RID says I am competent because of my certification.

SANDY DRUMMOND: First of all, RID certification is a minimum level of skill. It doesn't imply master level skill in interpreting. It implies that once you have passed that certification, you are able to interpret according to the standards set by RID. It doesn't necessarily apply that you are prepared to go into court and interpret. You would have to demonstrate you have the skill to go into court and interpret. You have the skill, the background knowledge, experience, and training, outside of a piece of paper a based on your certification. There is a lot more involved than whether or not you have RID certification, or whether you have a certain number from the Missouri certification system.

SPECTATOR: Okay. What I am saying is State of Missouri says Level 3. Level 3 should not take court. Okay. But I have my credentials from national and because I couldn't grandfather and conversion was not set up yet and testing system said wait a year or two, somebody files a complaint

and says, ya-da, ya-da, you guys investigate. According to the records it says Level 3, but I have all of these other credentials.

SANDY DRUMMOND: Again we will look at all of your credentials and training and workshops and mentorships you have done, any education you have. I would also suggest to you, just because someone has a Level 5, and Level 5 is authorized to do courtroom interpreting in Missouri. That doesn't mean they are qualified to do courtroom interpreting in Missouri. We look at their education, and training, and any experience they have in addition to the thing they have Level 5. Level 5 doesn't authorize all Level 5's to walk into the courtroom. We look at the Whole Person.

DAN BETZLER: I was going to take that exact comment. If you are a Level 5 -- that was exactly what I was going to say. She said it much better.

LORI KNABE: Are there any other comments. I want to make sure we address everything.

GLENACE HUMPHREY: I just have one last -- that wasn't addressed, and it was under -- well, I suppose it could be under the complaint handling, and disposition was what kind of due process does the interpreter actually have or what recourse -- what do they do after a complaint is filed and there is evidence is found or justification for sending it on to the next level? And I can't remember the committee you said.

LOREE KESSLER: If the Committee determines that discipline is merited, whether it be probation, suspension, revocation, the due process is kind of a continual one. I mean obviously they are not going to say, oh, violation, revoke the license. There is going to have to be -- typically in most cases they bring the person in. They may want to talk about it. They may want to interview the complainant as well. Are we talking about a situation where we have an allegation here because they are mad at them or is it because we really have some competency issues here. When the complaint is filed and it is investigated, the Committee votes to take some sort of disciplinary action, it is referred to the Attorney General's office because they have to file it with the administrative hearing commission. Once it is filed with the administrative hearing commission, it becomes a public record. That this has been filed, with the administrative hearing commission. Then the interpreter doesn't have legal counsel during that prior process, they will probably want to retain -- they have the right to retain counsel at any time, or they also have the right to represent themselves.

GLENACE HUMPHREY: Okay thank you.

DEBBIE ULINSKI: There is a lady in back.

SPECTATOR: If a complaint is filed, when will we be notified that a complaint has been filed? What is the time length with notifying? Will we ever know? If it is found to be false because the person is mad about something or had a bad day when will we know?

LOREE KESSLER: When a complaint is filed. First of all, the investigative unit would receive the complaint. Then they have to review it to make sure that it is even within our jurisdiction. If they are complaining about something that doesn't involve the State Committee, you know, it is not appropriate, that would be forwarded onto the agency that has jurisdiction. The investigator is going to have to get the consent form from the interpreter, or from the complainant regarding the interpreter, okay. Authorizing the interpreter to talk or to respond to the allegation. Sometimes that's where it falls down. If the investigator can't get that consent form, the interpreter can't respond.

SPECTATOR: The interpreter is trying to get a signature from the person who complained?

LOREE KESSLER: The investigator is trying to get that signature to say, in order for us to continue in the investigation, you have got to give the interpreter or anybody else that is involved in your complaint permission to talk to the State Committee and the investigator.

SPECTATOR: And is it filed, is it on public record.

LOREE KESSLER: There is no public record on that type of –

SPECTATOR: So it is put in the trash and it is finished.

LOREE KESSLER: Typically it is put in a file. Again the State Committee needs to see it.

SPECTATOR: We still don't know about that?

LOREE KESSLER: You might not. Because we don't know what the allegation is. The State Committee says, you know, we got to go forward with this even though we can't get consent from consumer. You the staff become the complainant, and you will follow through on this. That doesn't happen very much because if you are going to have a discipline, you got to have a witness.

SPECTATOR: Real quickly. Say a complaint is filed, an investigation is initiated. All the forms are filled out. Say there is a complaint filed against a person in Springfield, are you going to use out of that pool of interpreters to interpret that investigation, or are you going to pull somebody from Kansas City, or are you going to hire someone full time to go around the state. As we all know, the deaf community is very small. The interpreting community is very small given the fact that it's of a confidential nature, that should be enough but that's not always the case. How are you going to handle that, or have you guys figured that out yet?

LORI KNABE: Actually, that's a great point that you raised, Lisa. And I wish I had something more definitive. Other than it is on a case by case basis. Certainly we would involve the most highly skilled interpreters in that situation. I don't want that to be a concern for you. But -- a lot of information on when the investigator can get there, and who is available at the time.

LOREE KESSLER: Typically what the Committee has discussed is a contract with a Level 5 interpreter, that is not affiliated with an agency. And even then, it is very -- that person then is going to have to go to Springfield, St. Louis, Kansas City, Branson, Joplin, Hannibal, Kirksville. That's a lot of territory. So right now they have been trying to use a contract on a case by case basis. So then you don't have jeopardize the situation when you do have small rural areas and everybody knows everybody. But it does add expense to the investigation.

SANDY DRUMMOND: I have a suggestion. I wonder if we could go ahead and respond to people who made comments today. Can I do that now?

LORI KNABE: Sure. Go ahead.

SANDY DRUMMOND: Art Dignan also made some comments today. Could we handle all the comments made by --

LORI KNABE: I think we have gotten those two's comments taken care of.

SANDY DRUMMOND: Okay. One comment made by Art was he appreciated the fact that complaints could be filed by videotape. He was concerned that the videotape would be interpreted by someone before it was sent in to the State Committee. We consider the videotape of the complaint to be the complaint, not the interpretation of the videotape. So we watch the deaf person signing, and

see what the complaint is based on what they sign, not on what the interpreter would say, if there is an interpreter on the tape. There doesn't have to be an interpreter on the tape. So the deaf can get a video camera at their local library, or at home, and sign into the videotape what, they want to say, and then at the send it to us. There doesn't have to be an interpreter on the videotape.

SANDY DRUMMOND: Lori also pointed out we will go out and help do the videotape. If someone calls and wants a videotape to be made, we can send someone out to do is that.

LORI KNABE: I had a question about one of your first comments. You were talking about when dangerous things can happen when there is only three people involved. I didn't quite get all of what you meant by that.

ART DIGNAN: Do you want me to wait?

LORI KNABE: I am sorry. Go ahead and address this first.

ART DIGNAN: I understand what you mean about that we may need to interpret what's on the videotape, that we wouldn't need an interpreter to interpret that. But who should we depend on from you as the Committee. How many deaf people are represented on the Committee? Is that valid?

LORI KNABE: That, the number of deaf individuals is set up by statute on the State Committee.

ART DIGNAN: What do you mean by statute?

LORI KNABE: The law on the books says that there must be one deaf public member. And the rest -
- another public member, and interpreters.

ART DIGNAN: And that happened in 1994, is that correct? And I wasn't here at that time. But still I can't figure out why we would choose only one deaf person to be on the Committee. It doesn't make sense to me. I think that deaf members are an important part of this process. And it bothers me somewhat. And I wonder if that can be changed? Is it too late or can it be changed somehow with the bylaws? And Debbie agrees also with that.

LORI KNABE: To change the statute we would have to go back in front of the house and Senate and I don't know if you are aware of all that's involved in that. But it is pretty lengthy, and it can get kind of ugly.

ART DIGNAN: I do understand that. And I don't want to give the impression that I don't trust you. But it is going to be very helpful because we are concerned about what people will know or overlook by what we say on the videotape. We want to make sure that it is interpreted correctly that another deaf individual could say exactly what was meant on that videotape. Because some signs there may be some expansion that is used that others would not be aware of. And may be afraid to say that. And I don't know if we can depend on the videotape or depend on a written complaint. I hope that you will consider somehow how to resolve that issue.

SANDY DRUMMOND: I just wanted to say that we have seven brains working together to figure out that videotape. And one of them is a culturally deaf person who knows ASL very well. And several of us are certified at the highest levels, so we know ASL pretty well. Between the seven of us we try and figure it out the best we can. I think we do a good job. And of course, there will be things that we miss in videotaped complaints. There will be things we miss in written complaints. There will be things we miss in audio taped complaints simply because we are human. Eventually in an investigative process, those things will be realized. It may not be the first day. But through the process the intent is we get all the information which need in order to make a decision.

ART DIGNAN: Do you mean that not just the evaluation of the videotape would be the only thing that would be done. If that would be repeated over and over or if there was a process and suppose there was a hearing person who was speaking for the deaf person, that would be -- well, actually what I am talking about the audio tape. How does that work.

SANDY DRUMMOND: The audio tape gives hearing people the same opportunity that deaf people have. If people who can hear are afraid to write a letter, they can submit an audio tape instead of write a letter.

ART DIGNAN: Okay. So I guess the three options, like I said before, I get the impression -- I don't want you to get the impression that I don't trust you. It's very helpful, even though many of you are top interpreters, but very often I have met some interpreters who have RID and may have Missouri comprehensive certification who may not feel or they don't get exactly what we mean by that, and I want to make sure that that's known.

DEBBIE ULINSKI: To make you happy, we could have the videotape and then when we look at the videotape, we could make a written translation, and show that to the deaf individual, and ask them how they feel about that.

ART DIGNAN: So you mean the deaf individual would come and to check to make sure that that's what he meant. And also, Art said from experience I have seen that maybe that deaf person would feel oppressed and not really be able to express what they mean. If there are deaf people around then it is easy to be able to express those feelings. But amongst all the hearings I think that would cause oppression. I know I went off the point. But any way going back to the –

LORI KNABE: Are you finished? I want to make sure we addressed your concern about the method of filing complaints.

ART DIGNAN: Yes and no.

LORI KNABE: I know. It is not a perfect system. But neither are we. So, yeah, aid concern, you raised something about dangerous situation involving interpreters and clients. And I didn't really get where you were going with that.

ART DIGNAN: In that case I find that there are instances when only one deaf consumer is involved in a situation and an interpreter. And it is in a closed room situation. How can we know if the interpreter is doing the right thing with the right attitude with the right language process when the only -- maybe the deaf person isn't aware of the code of ethics. How do we know that those things are happening appropriately and properly? When that situation is over, everyone leaves the room, and it is done. Even though within that office there were some things -- that happened that should not have happened and a lot of mistakes. So now again, we look back on this situation, there is only one deaf person, there is a hearing interpreter, and a hearing consumer that heard everything. Maybe they heard the wrong information. Maybe the deaf person didn't hear what was going on. And then when they leave the room everything goes away. That's a concern. And I just wonder if maybe a fourth person should be involved in that process. But because of confidentiality we are stuck with that process. Going back to the bylaws. When it says, dangerous, could that happen in a meeting when no one knows what is happening? Or maybe being dishonest corks that happen -- that happens many times? I hope that all interpreters would know that something was happening that they would tell if something was happening if it weren't honest. But I have heard that it can happen

that there is dishonesty. In competent interpreters, we find sometimes maybe deaf people aren't aware or don't know, maybe that's all of the time we have, the workshops are for hearing people. And as Debbie recently stated, we need to have workshops for deaf people. I will be there at the convention. And I am wondering, I still don't think that that's enough. We have got -- there are deaf people all over the state. There is so many deaf people that need to be aware who don't -- you know, don't go to the workshops. That need to know of these things. They don't know which interpreters are incompetent or not. And I believe that's important for them to know. Unlawful practice. Again when we talk about is this, there are many deaf people who do not know the code of ethics. And I wish that we could provide a workshop for deaf people to be aware of the process and to make this process more smooth between the interpreting and others.

LORETTO DURHAM: It is just the nature of the a beast. Interpreters are out there all of the time. We talked about that concern. And I mean it is just an unfortunate thing.

LORI KNABE: We can't be big brother.

SANDY DRUMMOND: The reason for creating these rules is so that interpreters who are working on their own will know how to make decisions relating to their work, what they should do, and what they sexually harassed not do. And we as people need to educate consumers on how to use interpreters. I know Debbie will be involved in educating deaf people at the deaf empowerment workshop about using interpreters. And art, I know you will be teaching a workshop in the spring, on how to use interpreters, and what their rights are relating to interpreters. Maybe that activity needs to be increased. We need to have more workshops in local organizations for deaf people. More advocacy, more awareness training, perhaps by the Missouri Commission for the Deaf. And other independent living centers, to train individuals on what their rights on as far as interpreters, and things that interpreters should and should not do. That's something certainly we could all do.

ART DIGNAN: I am just throwing out some information for you. I don't know that there is a solution for it. I know that we get away sometimes with a lot of things that happen, some people end up in prison, when they really don't deserve to be in prison. I know that some people go free when they should be in prison. I understand that. But it does bother me. And as Debbie said, I am afraid that we have a long way to go in this process. And Debbie --

DEBBIE ULINSKI: I know how you feel.

LORI KNABE: I have some more questions. You addressed the question -- people who have a temporary license, are they required to pass a skills test?

ART DIGNAN: Well, I am wondering if people are aware of their skills, do they give them a temporary license?

LORI KNABE: Yeah. I don't have the section --

LOREE KESSLER: To be temporary licensed, you have to be licensed in the another state and hold an unrevoked license or you have to be certified by an entity that is acceptable to the Committee. And there is no test evaluation involved because it is like a stopgap for that person to come and practice. And it is only good for 90 days. Somewhere along the line there may have been an evaluation somewhere else, maybe by another state, maybe by another certifying entity. But not necessarily here in Missouri. Since there is not a permanence attached to the temporary license, I think that's kind of the concept behind it that the general assembly said, it is one time, 90 days, then you got to get certified by Missouri, and ultimately licensed by Missouri. So people can't come jumping back and forth. And go in the state, and out of the state. They got to come and get licensed.

ART DIGNAN: I understand that. And my concern also is it doesn't matter if that person is a top interpreter or a Level 1 interpreter. Is that the point? Also as someone made a point in the back, they had RID certification. Yet here in the State of Missouri they had Level 3 interpretation or certification. And in Missouri we need -- we are in desperate need of top qualified interpreters. If we give that person a temporary license to go in the courtroom and interpret, does that give us justice? It goes back to my number one concern. Everything that we know that happens in that situation can go away because there were so few people in the room and deaf people always end up suffering.

SANDY DRUMMOND: You are right, we don't want to give people permission to walk into any situation and interpret. And we don't do that. We give them a license which says they have permission to work in the State of Missouri. They still have to comply with all of our rules. But we don't tell them what their level of skill is. They are the person that knows that. And we do have a rule that says, that they can only work on assignments that they can do, based on that level of skill, their training, their education, all of that. So if they have certification from another state, it is hoped that we would eventually, if we didn't already, know that certification meant, and give us some kind of idea of what the a training and level of education. They would have to prove that to us, to prove they didn't break the rule if someone filed a complaint. We would process a complaint against them

just like everyone else. We look at certification papers and look at training, education, and what the complaint was.

ART DIGNAN: Do they have to file that complaint within 90 days? At Advent are they aware of this? Maybe they hire that interpreter and often times when deaf people accept that interpreter in their work or in places where they have interpreters, they don't know that that interpreter is a temporary or may not be certified.

SANDY DRUMMOND: Right. To be realistic, if an interpreter came here on the first day of their temporary license, had a complaint filed against them, the -- for us to finally get the complaint resolved, their temporary license may have run out by that time. But there is hope that the information that we have would also help us if that person applied for a permanent license, then we would have evidence that says, we should not give that person a permanent license. We should deny them a license. Again, we could go ahead and process the complaint when they do have a permanent license.

DEBBIE ULINSKI: We want deaf people to be satisfied with their interpreter and to file a complaint if they are not satisfied. They go ahead and maybe that that interpreter will, those interpreters will wake up and realize that what they did wasn't right.

ART DIGNAN: I feel that a lot of oppression is causing a lot of these problems. We have seen that happen a lot. And I have sympathy for these people. We can't depend on all deaf people for that because they do feel oppression and won't be responding in the way that they want to.

DEBBIE ULINSKI: That's why we are here. That's why we are working together to support deaf people, art, it is not easy. It is not an easy job. But we want to do it.

ART DIGNAN: Well, there is only one of you, and that's what bothers me. I wish we had more, three or four deaf people joining the Committee. I feel sorry for you.

LORI KNABE: You also raised the concern -- I am sorry. I do appreciate your concern. And I wish that we could change that in the statute today. But you raised a concern about clothing, what is appropriate to wear. Under general principles, rules simply states that interpreters will maintain an appearance that does not interfere with the message as defined. The thing is, we can't tell

interpreters to wear three piece suits every day. It just cannot interfere with the message. It should be appropriate to the situation.

ART DIGNAN: But I also brought up the fact because sometimes it is a fact that interpreters dress terrible. And it is not acceptable, and it is intolerable. And now like you said, I guess, we could file a complaint. But many deaf people aren't aware of that. And that is my concern. I feel that we need to emphasize that and put that in RID and other places, put that clearly so we are aware of that, and that interpreters are aware of that also. Because many times we find that it is unnecessary in and terrible what interpreters wear in interpreting situations. And not only their clothing, but maybe their cosmetic things, their hair styles, and things like that. Maybe they are messed up. They came last minute just got out of bed. We feel like this is important.

SANDY DRUMMOND: Mr. Dignan, you are right. And that information is included in the general principles under number 16. So if an interpreter does not dress appropriately, or, you know, dyes their hair purple to go to an American business women's association meeting, or something like that. And the way they dressed, or the way they looks, interferes with the communication going on, yeah the wording may be difficult to understand. But we made it general, so that anything involving their appearance that interferes with the communication with interpreting, would be considered a violation of that rule.

ART DIGNAN: I understand that. When people read that, they may misinterpret it. I wonder if we could make it more clear. I believe it is not clear.

DEBBIE ULINSKI: What would we put on there. Like short skirts. That what we mean. That they can't wear short skirts. Or that they are not permitted. Is that what you mean?

ART DIGNAN: Worse than that. I mean like old worn out sweats or T-shirts or not taking care of themselves.

DEBBIE ULINSKI: Yes, that's true. We need to teach interpreters not to wear that kind of thing.

ART DIGNAN: The last comment I made was about the mentor/mentee. The interpreter certified, the proficiency level, we don't know. We can't measure. For that person to be a mentor to a mentee, very often we find that the mentee could be better than the mentor. (LAUGHTER). {I just want to suggest that maybe we add a second person, a deaf person as a second mentor. I don't know if

that's possible or not. But I feel that that is necessary to be fair, to have the second mentor who is a deaf individual.

LORI KNABE: I think that is a wonderful suggestion. I don't know how viable it is.

SANDY DRUMMOND: The rule that you are talking about, under consumer welfare, number 1 D, it says if the interpreter is serving as a something nor another interpreter, they are supposed to explain how the confidentiality is maintained N that situation, it just says that if one interpreter is responsible for supervising another interpreter who is there with them, that they have to explain to the deaf people and the hearing people who are involved that the mentee interpreter also has to maintain confidentiality. That's what that explains. As far as who is qualified to be a mentor, I believe that's handled within the certification rules. They have some rules that outline who can be a mentor and how the mentor and mentees can work together within their scope of their certification. But that's included in our licensure rules.

ART DIGNAN: It goes back to things that could slow down. I wish we could join a time machine and go back. I wish so badly that you would go ahead and get along -- that we could agree with everything that we say. We could ask and there it is based on what we say in black and white. I wish we could do that. Before 1994 and this law, I wish that we could train deaf people, that we could teach deaf people to become involved, and that they had had all of these workshops. I wish things could be different. I wish there could be satisfaction for both communities, hearing and deaf, but what we see happening is a one track support is that hearing people get workshops. There is not really an understanding or a representation of what deaf people feel or their hearts and what they feel. Many of you know the signs I am doing, those deaf people that are involved in the community are people that really aren't aware of deaf culture and that may not support American Sign Language as a core member of the deaf community. But I feel that I hope that next time if we ever make a new law or whatever happens, that we make sure that we have deaf number of people equal to the amount of hearing people on the committee and before that to make sure that we have workshops to help deaf people understand the interpreting process. Right now I am just throwing out ideas and brainstorming and hoping that you will realize that there are a few things that don't match the needs of the deaf community.

SANDY DRUMMOND: I agree with you 100 percent. I think there is a lot of work that needs to be done as far as educating our consumers. Our laws may have been written in a better way if we had had more input from the deaf community. And I would suggest that a lot of your comments and

opinions should be directed to the Missouri Commission for the Deaf who wrote the original law. And you should encourage them to receive more input from the deaf community. And also encourage them to provide more training to the deaf community as well as other agencies that serve deaf people throughout our state. I think you could be a real leader in that area and see that all that training gets done.

ART DIGNAN: That would be a -- that would be me giving workshops on my own.

SANDY DRUMMOND: And I'll come.

DAN BETZLER: I am recognized. Okay.

SPECTATOR: I am confused on the complaining part here. If we are in a situation and the deaf person or whatever, something is going on, maybe they don't like the watch they are wearing or the hair or makeup or the sign language, can't that situation be resolved right there? What are the complaints being filed? I don't understand. Are they major or minor? Also with dress code, A lot of freelance interpreters, we may be at a job in the morning maybe at a steel factory, and they page us and say go to the emergency room. Maybe we dress down for that job. Now we are transferred. I mean we can't always have appropriate attire.

ART DIGNAN: You have the option of letting another interpreter take that assignment.

SPECTATOR: That's not true. I am sorry. That's not true. Many times I am in one place and they say, you are the only person left. You must go to the job. Does the deaf person go without the interpreter or do we not show up? Which one?

ART DIGNAN: In specific instances I say the interpreter should go. If the interpreter has the option of going and changing clothes, that's what I would be concerned about, if the interpreter takes the option. I do agree with you. If there is -- that you may have to go in an emergency situation. But if there is another interpreter available, then I would say, let that other interpreter go. If you don't have the option and it is critical that you attend that assignment, you go. There are some interpreters that, you know, there are other interpreters available, but still take the jobs, and ignore that another interpreter could have taken the --

LORI KNABE: Those are handled on a case by case basis. I wish we had the time and opportunity to open up all of these issues. We need to focus our discussion to the rules specifically.

ART DIGNAN: I want to emphasize I am not complaining. I have concerns. I want to let you know I have concerns. I want to let you know about.

LORI KNABE: Thank you.

DAN BETZLER: I just wanted to make more of a comment. And that is first of all, in the area of training that all of our workshops as an educator are funded by grant monies which usually is focused on training interpreters. And even when we have tried to train deaf individuals in a certain area, it has been refused, based on the fact that it has to be geared towards training interpreters. Secondly, I think that we are now -- should not be looking at what happened in the past, but rather in the future. That this is a beginning for us. That we are now finally regulating some of our issues that have happened for many, many, many, many years. And they are not going to be exactly perfect, initially. There is going to be a lot of different growth going on. And hopefully the deaf community will be involved. Attend the involve in the growth. Look at where we have come. We had nothing. We must look to where we could go. And hopefully the deaf community will be educated, and the people here, and other people, and then they will -- we will hear their voices, and we will come together, and they will direct us where to go. And I know one deaf individual whose small little voice will be heard. And I know -- (LAUGHTER). I know that if you get out there, and educate, that the deaf community will definitely direct us as interpreters, I am sure.

ART DIGNAN: I am aware of this.

LORI KNABE: I just want to make sure our comments are pertaining to specific rules. Glenace you are next.

GLENACE HUMPHREY: I will be at the end if there are still comments that you need to --

GLENACE HUMPHREY: I will ask then. It has something to do with Art.

SPECTATOR: I had a comment with the whole procedure for just a second. I don't know if it kind of -- if somebody files a complaint, do you ask that person, have you talked to that individual? I mean I think that's where we all need to go back to. If the deaf person doesn't like my clothing, or I don't

use the right ASL sign, don't we have the opportunity for that deaf person or that consumer to come to us and say, hey, I don't like this.

LORI KNABE: It is handled on a case by case basis. There are some certain violations, I know a deaf person would not feel comfortable confronting an interpreter about it. We can't say, yes, always. A blanket statement. It needs to be handled on a case by case basis. I understand your concern. If it is something, not trivial, but something that is not monumental that can be handled by the two of them. I would hope they would go to the interpreter. I can't make them do that. Okay. We need to address the comments that we received. Yes, the letters we received. We need to turn to those. Page 3 in your handouts.

LORI KNABE: I think we addressed the first paragraph. Talking about third party information. I think we addressed that concern. And then the second one, someone wanted to know, if they could complain by E-mail? It is my understanding that that is not possible because E-mail is not protected. An a complaint needs to be confidential. So we are not able to do that.

LOREE KESSLER: If they want to maintain certification, not be licensed –

SANDY DRUMMOND: Do we just read this out loud.

LORI KNABE: They can all just take copies.

GLENACE HUMPHREY: Do you have other copies.

LORI KNABE: We made 50 copies. I think those are copies of the rules. The comment is, is it possible for a person who wishes not to work in the state, but who would like to maintain certification, so as not to have to retest in the state to pay only for the certification maintenance, but to forgo the license requirements until such time that the interpreter wishes to work in the State of Missouri? If so, would this person fall under the renewal category. It is my understanding, no, that the option open to this person is to obtain a temporary license, and then they wish to work beyond that, they would need to be certified by the State of Missouri.

SANDY DRUMMOND: The way I look at it, as long as someone maintains their certification, right, they don't necessarily have to be licensed as long as they are not practicing. Say a person lives here in Missouri and maintain the interpretation certification –

LORI KNABE: I understood the certification to be out of state.

SANDY DRUMMOND: I would assume if it is the first time they apply for the license, it is a new license. Not a renewal. I don't know how it is handled if they have a license, and maintain certification, but let their license lapse. And later they wanted to get a license again. That's not considered renewal I wouldn't think.

LOREE KESSLER: The rules do not -- that's one thing that this is a good comment because it shows the rules don't address what do you do when you don't renew your license. Well, the rules don't address that. And the law changes in the session, and says we need to address that. We may need to add language on. If you don't renew your license and it goes past due for two years but you maintain your certification, what is wrong with just paying the renewal fee? The theory is the competency should be there with the maintenance of certification. The problem comes in if they don't keep their certification current or they got grandfathered, and they don't keep something current, they don't pay the fee, they don't get their PCMs, or leave the state for four years, and come back. I think that that comment does require some more review.

SPECTATOR: In that -- if that situation can happen, and the person decided they don't want to interpret for a while, but they kept up their CEUs, and all of that, what determines that the renewal is late?

LORI KNABE: If it is beyond the licensing deadline.

SPECTATOR: So if they chose to go beyond because they are not practicing, they don't need a license. If it is late, they have to pay \$60, plus another \$60 because it is late.

LOREE KESSLER: What happens is it lapses. You point out a good situation. The Committee doesn't know they are not practicing.

SPECTATOR: Is there some way --

LOREE KESSLER: I think there needs to be something incorporated there that allows the licensee that they do with other boards to say I would like to put my license in an inactive status. Then realizing that they still have to keep their CEUs up, and still have to keep their certification up.

Also realizing if the law would change and say, now you need 18 clock hours instead of 12, or you need to be able to do this, this, and this to get a license, they are going to have to comply with the law when they come back in. It doesn't go back to old stuff. That's the danger when you -- when that sometimes happens. But the rules really don't clearly outline that type of activity.

GLENACE HUMPHREY: Excuse me. Is there a possibility then because I know I hold another license in another field of study that that field also requires CEUs. But since I am inactive, and have been inactive, there is an inactive category that I only pay to sustain my license but I don't have to continue to collect the CEUs, but incompetent inactive. I cannot practice. If I want to practice, then I have to inform them that I am back in practice again, and then I -- the way I understand it then, I start the CEUs from that time forward. I don't have to be collecting. But it is not certification and a license. So maybe that's an area to investigate.

LOREE KESSLER: I think when you are looking at licensure, you are either current or you are not current. And if you go into not current, if it is because you didn't pay your renewal fee, you are not current, and it is 120 dollars to get it reactivated. But what I am hearing is we need to look at allowing a person to inform the Committee, put it on inactive status, or if the law allows the Committee to make that decision, to make that discrepancy. But it isn't clearly identified.

LORI KNABE: That addresses the next comment. That final paragraph addresses 3.010 what about cases in which an interpreter must sue for payment. That's like giving people legal advice. We can't do that.

SANDY DRUMMOND: So the advice is seek legal counsel.

LORI KNABE: There you go. There is a concern about retaliatory grievances and the consequence of those. During an investigation, that information would come out if the case has no merit. Finally, to this issue, interpreters have virtually no choice when subpoenaed in a court of law. This is this person's comment. If they are required by law to respond to questions, they can be held in contempt for not doing so. An effort should be made to protect an interpreter from these actions. What is that statute?

SANDY DRUMMOND: 209.263 and 209.265.

LORI KNABE: They deal with confidentiality, and interpreters duty to respond to inquiry. And so those are already taken care of by statute. You should also seek legal counsel. (LAUGHTER). Next concern is dealing with 3.020, this person recommends to leave the requirements for the same or multiple assignments -- oh, the same for multiple sometimes for platform because for multiple assignments it is possible to be working with numerous, different consumers. With this, the interpreter should insure that there is not a conflicting relationship with each person. As well to be a multiple day assignment, videotaping may not be consistent throughout the assignment. Recommendation is to allow the consumers to weight the criteria in one formal assignment.

LORETTO DURHAM: The language specifically states they are the same people. So the comment is saying that there may be different individuals coming in is not the case. We specifically said multiple assignments with the same consumers. And we specifically put that so that if there are different individuals coming into the room, it is not the same consumers and that all of that information would have to be -- (LAUGHTER)

LORI KNABE: There should also be an obligation by the consumer in videotaping to gain the approval of the interpreter. It is unfair from the human and financial standpoint and against the law according to some right to privacy law not to seek the approval of the person's whose image and work you are capturing on videotape without their permission each time.

LORETTO DURHAM: We have no authority to regulate what other people are going to videotape or not.

LORI KNABE: Okay. I think you addressed that one. Moving onto page 5. More comments. I don't know what specific language this person --

LOREE KESSLER: We would like the word neutrality stricken from the rules on page 6. I am unaware of evidence that neutrality in any way enhances the work of interpreters.

LORI KNABE: I am kind of afraid to strike the word. I understand this person's concern. But I think if we strike that word from the rule, it opens up a hideous Pandora's box.

SANDY DRUMMOND: I agree.

LORETTO DURHAM: Yes.

LORI KNABE: So we are going to leave that as it?

WILLIAM ROSS III: Yep.

LRI KNABE: And then over on page 7, talking about 3.010. Section 8 and 9.

LOREE KESSLER: To hearing person, to deaf person, to someone who walked into the room. I think when the Committee drafted this section of the rule, there were specific motions made regarding each portion and the language, and how you really discuss this at great length to allow –

LORI KNABE: Section 9 A, if you all have a copy of the rules, under 3.010, under general principles, 3.010.

SPEAKER: We established subsection 9 A for the occasion when interpreters need to disclose to their spouse where they are going, not who they are interpreting for, or anything about the assignment. So that they know where their spouse is going to be at 1:00 in the morning. So that that interpreter is not breaking confidentiality or not breaking the law. So that is why that paragraph was drafted.

SANDY DRUMMOND: I believe that also in this person's comment that they are concerned that we don't allow for professional and the dialogue among interpreters. He feels professional dialogue between interpreters, doesn't allow for that. We don't allow for that.

LOREE KESSLER: I think the rules will allow the case study situation, where you talk about situations that may have occurred, but not that deaf person A and hearing person B was there at location C. But if they talk about a general case study. Because that's the way you have to educate also is from that experience.

LORI KNABE: I think 9 addresses that.

KIM McENULTY: A addresses that as well.

SANDY DRUMMOND: And 8 did you see not prohibit dialogue.

KIM McENULTY: 8 addresses that.

SANDY DRUMMOND: Number 8 doesn't prohibit professional dialogue. So I don't believe that is a problem. There is also another concern in that piece –

DEBBIE ULINSKI: Excuse me. You need to know where you are at right now. I am lost.

LORI KNABE: We are on page 7.

SANDY DRUMMOND: Debbie, I read this letter last night, and wrote a bunch of notes on how to respond. So I am not referring to any piece of the letter. But on page 7 under confidentiality and disclosure, these are some of the concerns that I thought this person had. We just discussed -- and the other concern that I thought this person had was that the rules don't explicitly say that it is okay for interpreters who are members of a treatment team like in a mental health facility, or part of an educational team, we don't have anything that states that they can talk with teachers or counselors about ASL, about interpreting, about deaf culture, things like that. We don't have a rule that specifically states that. And that's what this person is complaining about, I mean concerned about.

DEBBIE ULINSKI: But they are stating something about confidentiality; right?

LORI KNABE: Yeah.

DEBBIE ULINSKI: And the code of ethics it says that we can't interpret and then reveal to other people what went on in that setting. Do you understand what I mean? So what -- doesn't that apply to confidentiality rule?

SANDY DRUMMOND: The idea behind this is that the interpreter is not discussing the things that they have interpreted. They are going to be talking about general things. Like they are going to tell the counselor, the deaf person uses a mixture of ASL and home sign language. So when you are giving them counseling, you need to give me a lot of time, because I need to combine ASL and home sign language. This is a new skill for me. Things like that. They will be talking about how to interpret for this person. They might be giving the counselor information about a sign the person uses. That doesn't mean anything. But the person made up a name sign for something. And the counselor needs to know that. Because that information is a lot like hearing people who have the same, you

know, problem, or whatever. In school, the same thing with children. An interpreter might want to talk to people in the school about where the deaf kid sits in the classroom. Or that we need to get captioned videos so that the deaf kids can watch them. But they wouldn't necessarily say, I saw Johnny cheating on a test. Or I interpreted for Sam's lover's quarrel with his girlfriend. They should not be relaying that kind of information. But they should feel welcome to help the teachers or help the counselors better serve deaf people who may be in the hospital or school. So that's what he, this seller suggesting that we make sure that that is allowed in our rules.

DEBBIE ULINSKI: Okay, so, Sandy, so this is saying -- let's use the educational setting, for instance. That if there is an IEP meeting for a deaf child in a school system, then they should follow the IEP about what that child's needs are; is that right? Maybe I am misunderstanding. Excuse me, but I think that's enough.

SANDY DRUMMOND: I have to be honest. I am not an educational interpreter. So I understand there would be some interpreting things that an interpreter might need to discuss with an educational team. Beyond that, I don't really know. I can't really answer to some specific examples. I would know some things that can't be discussing, contents of a conversation, they would wouldn't want it relayed to people. But things that the interpreter are supposed to be an expert on, interpreting, communication, things like that, I would expect that the interpreter should be able to discuss those things in an IEP meeting.

LORI KNABE: Are we finished with page 7?

SANDY DRUMMOND: We haven't made any response to that.

WILLIAM ROSS III: For example, if they are having an IEP meeting, and there is a teacher that has a real problem with the interpreter in the classroom, and always puts the interpreter way in the back, so the student doesn't understand or feels left out, that is an opportunity for an interpreter to step up and say, this is what is happening in the classroom, and so I am dealing with this. As opposed to saying, Johnny doesn't understand what is going on. So they are able to relay information about the actual environment as opposed to what Johnny said to his best friend about such and such. We are talking environmental or other areas. I think that's what they are trying to talk about here, not specifically talking about what the deaf child said, but environmental issues. Is that better?

DEBBIE ULINSKI: Yes, but that's not really the interpreter's job.

WILLIAM ROSS III: Yes, it is.

DEBBIE ULINSKI: I have children who went to a public school. They are both deaf and I understand what you are getting at, that the interpreter would like to help provide an environment that is educational for this child. But -- oh, due to my past experiences, with interpreters, where I have had problems with interpreters and conflicts with interpreters, really think -- let's just go back to the case by case scenario. It has to be looked at it from a case by case scenario.

LORI KNABE: So do we need to change sections 8 or 9 under general principles?

WILLIAM ROSS III: No, I don't think so.

LORETTO DURHAM: No.

LORI KNABE: Okay. So there were no -- was there any suggestive language change for sections 8 or 9? 3.010 about confidentiality.

SANDY DRUMMOND: I have a question.

DEBBIE ULINSKI: The interpreter is supposed to keep confidentiality.

LORI KNABE: So does that mean you want to leave the rule as it is written?

DEBBIE ULINSKI: But you see the problem is that all of you are hearing, and I am the only deaf person.

LORI KNABE: I realize that. This person's comment is that we should change the confidentiality language. And I am asking you, should it be changed or not in your opinion?

DEBBIE ULINSKI: I would prefer that we leave it as it is right now.

LORI KNABE: I think everybody agrees with you. I just wanted to see your face.

DEBBIE ULINSKI: Leave it.

KIM McENULTY: If you want to leave it, do you want to add dialogue -- dialogue between the interpreter and the professional, do we want to leave that. Just leave that?

LORI KNABE: So sections 8 and 9. Then on page 8 of the comments. Is everybody on the same page? This person refers to the statutory obligations to report, child abuse, elder abuse, and something about substantial risk or harm. This would apply to everyone. Interpreters or not. So I don't think we need to do any language change for that. I don't know if we want to list exceptions though.

WILLIAM ROSS III: We got into that one before. And it became a real -- so if we leave it --

SANDY DRUMMOND: Our advice is to seek legal counsel.

LORI KNABE: That was it. Is there anything else we need to discuss in this person's letter?

SANDY DRUMMOND: Last comment.

LORI KNABE: The interpreter is forbidden to encourage a consumer to seek relief under the Americans with Disabilities Act that but also forfeits the right to report violations. What? I am not aware of what section of our rules that forbids or forfeits a right to do that.

LOREE KESSLER: Because, perhaps this individual is thinking that if there is strictly -- they are strictly an interpreter and they see a violation of ADA, that as an interpreter they can't advise them of that violation because then they are stepping out of their interpreter hat role, and that's what I think they are saying, that they could not bring other violations of other possible laws and rules to the attention of the deaf person because they are only there as a way to communicate. Am I understanding it correctly?

LORI KNABE: That part is true.

LOREE KESSLER: Perhaps then, why couldn't the interpreter -- I mean if it is a violation of ADA, the interpreter could say, this is a violation, I am the interpreter, and it violates ADA instead of advising the deaf client or the hearing client to say, you know, it is a violation of the ADA. No, the interpreter knows it is a violation.

SANDY DRUMMOND: What could the interpreter do with that information?

WILLIAM ROSS III: I think he is mixing ADA and our law together.

SANDY DRUMMOND: No, I don't think so. There is a part of the ADA in what he is saying, that anyone who knows of a violation of the ADA, can report it, even though they are not the one that it happened to. He says, interpreters these thee violations a lot, but the confidentiality law prohibits the interpreter from filing against ADA.

WILLIAM ROSS III: When he started off with neutrality, neutral meaning you can't say anything about ADA, or saying, you know this is a violation of ADA. I believe the issues with him, I could be wrong, he wants the interpreter instead of telling the deaf person or saying because of the interpreter is -- an interpreter is bound by neutrality, that I he can't tell the interpreter such and such. But the interpreter has to wait for the deaf person to do it.

LORI KNABE: In his point of view it is breaking confidentiality.

WILLIAM ROSS III: But neutrality. If you are telling a deaf person you can file with the ADA, that's advising the deaf person. You are not remaining neutral on it. You are advocating. Confusing interpreting with advocating. I agree with what you said, Lori, as an interpreter you can go ahead and file yourself.

SANDY DRUMMOND: Do you agree with that?

WILLIAM ROSS III: As an interpreter you can. It is a violation of ADA.

SANDY DRUMMOND: What is a violation. If I am interpreting and this hearing person violates the deaf person's rights within the ADA, then the interpreter should file a complaint on that.

WILLIAM ROSS III: I am saying they could, I am not saying they should.

SANDY DRUMMOND: They would not be breaking confidentiality.

SANDY DRUMMOND: You can choose to break confidentiality any time you want, as long as you are willing to suffer the consequences. If you are willing to go to jail for a year, and pay the 1,000 dollar fine.

LORI KNABE: Oh, it is only \$500 I think.

SANDY DRUMMOND: This concerns me. I don't know that -- because if I allow interpreters or if I allow myself the right to file a complaint with the ADA, then that opens the door for me to allow myself to tell the hearing person, the deaf person is lying to you. The deaf person is trying to con you. You know, if I know this information, I know they are breaking the law or whatever, I don't know that I should be allowed to break confidentiality and report that.

LORI KNABE: I agree. I don't want to give a free card. I don't want to give anybody a free card. So leave it as is?

SANDY DRUMMOND: Yes, I believe we should leave it as is.

DEBBIE ULINSKI: Yes, leave it. Remember about the interpreter's job, any interpreter is to interpret. And the laws and the ethics are to protect the interpreter also. What they hear, they interpret, and that's it.

WENDY JENSEN: I am sorry to interrupt. Someone handed over a set of keys of keys parked in the lot. It is a red Toyota.

INTERPRETER: That's mine.

LORI KNABE: We are on page 9 of our written comments. I think we have addressed the first concern about interviewing applicants. I think we addressed that concern. I think we addressed the second concern as well under third party information. I think we addressed the concerns regarding fees. I think in the first paragraph on page 10, the person kind of answered their own question. (LAUGHTER). I didn't mean that to be funny. I am sorry. And the same for the second paragraph.

LOREE KESSLER: 2.030.

LORI KNABE: Name and address change. I don't know. Do you think it's a big burden for them

to file a name and address change with both offices.

WILLIAM ROSS III: If you move, you put an address --

GLENACE HUMPHREY: We can't hear you.

WILLIAM ROSS III: The comment is do they have to put in a name and address change with MCD as well as us. And when you change an address, you have to send your address change to everybody, magazines, this is just one more person you have to do this for. It is part -- I mean I don't think it should be our responsibility to send their address over there, or they send it that is just common practice.

LORI KNABE: Under concern under general principles. Oh. There is a concern that we are infringing on the copy right of the national RID. Do you guys want to address this.

SANDY DRUMMOND: Well, I think we need to make sure we are not plagiarizing anything.

WILLIAM ROSS III: -- isn't this public domain.

LOREE KESSLER: Your rules are public domain. I don't know -- without specific reference to what language they believe is a copyright infringement --

WILLIAM ROSS III: Will Glenace know. She was the past president.

GLENACE HUMPHREY: The national RID, their code of ethics is copy righted and we did go through that with the Missouri Commission for the Deaf. Yes, it is copy righted. Or they are. The set of rules.

SANDY DRUMMOND: Glenace do you know that there are certain concerns about certain rules that appear to be plagiarized or anything like that.

GLENACE HUMPHREY: Myself. I didn't do a comparison of the two.

LORETTO DURHAM: Seek legal counsel.

SANDY DRUMMOND: I think the principles of course, would be the same. But we need to be careful

about that.

KIM McENULTY: I believe in this letter they outlined the specific rules that they feel might be copied from the national RID.

LOREE KESSLER: Doesn't copy right infringement need to have specific intent. Just because we used the same words, how -- I mean I don't see that as a copy right infringement. We didn't go to RID and take their words and put it in here. Principles, and it is only natural that the words will be the same.

WILLIAM ROSS III: And I don't think they are copied exactly. I think there are minor modifications. But I think copy rights, I think there is a 20%, of the language that can be -- I don't remember how it goes. But 20% of something or other on copy righting. I don't remember.

LORI KNABE: Okay. Can we move on to she is concerned with section 9. And why would an interpreter need to be discussing confidentiality information on an assignment in general. I think our wording is general nature of the event. This person wants more information on why giving out confidential information is needed.

DEBBIE ULINSKI: I don't think the interpreters should have permission to talk about it.

LOREE KESSLER: I think on number 9, the commenter has asked with a more narrow definition, and perhaps the best response should be please provide that definition because the Committee has a comfort zone in this definition.

LORI KNABE: Yeah. We feel comfortable with assignment --

LOREE KESSLER: It offered specific language. I think it should be narrower, I think it is incumbent upon the commenter to say, here is how you narrow it.

LORI KNABE: Can you send that to her?

LOREE KESSLER: Uh-huh.

LORI KNABE: Is that all right with you guys? Okay. Loree's suggestion is this person, this Susan, who is not comfortable with -- in section 9, of general principles, said if an event is open to the public, an interpreter -- excuse me, when an event is not open to the public, an interpreter shall not disclose information relating to the assignment to include location, nature, or individuals who are present during the assignment without the written consent of the consumer. And she is wanting something more narrow. Loree's suggestion is we send a letter to Susan, saying, what language suggestion do you have specifically. Is that acceptable?

LORETTO DURHAM: Uh-huh. 9 and 7 T.

LOREE KESSLER: She is comfortable with 7 T. She is not comfortable with 9. All right. Great. And everybody is nodding? I know everybody is getting very tired. Section 14 --

DEBBIE ULINSKI: That's fine.

WILLIAM ROSS III: We have already addressed that.

LORI KNABE: And section 17. Seek legal counsel. Okay. 3.020, --

DEBBIE ULINSKI: Excuse me, would you repeat what you just said.

LORI KNABE: We are on 3.020. Consumer welfare. Susan has one last comment about showing certification with or without a and being requested by the consumers. And our rule is show it without request. Automatically show it.

LORETTO DURHAM: And the discussion that took place before we gee sided that, we couldn't be responsible for what happened in the past, but we think this is a profession, and this is what needs to be done from now on. That's the reason we established that.

GLENACE HUMPHREY: I have a question.

DEBBIE ULINSKI: Yes, I think that needs to stay in there.

GLENACE HUMPHREY: Am I misunderstanding, because your voices, I know you are getting very tired. And your voices are getting quieter.

LORI KNABE: Sorry. I apologize.

GLENACE HUMPHREY: So you are saying when we go on an assignment that we show our certification without being prompted? Because there are times when if you are in a court of law, they don't want to deal with that. So do you just tell the judge any way. Well, I am sorry, the rules say that I have to do that.

WILLIAM ROSS III: It doesn't necessarily say when you have to do it. You try to do it in the beginning. If the judge doesn't let you, you can photocopy that. For myself, I have a stack of them where I go. And then I walk in, I say, you can keep these for your records. I begin my assignment. I sign what you say, blah, blah, blah, and so then you go through the process, if they don't permit you to do it in the beginning, you try to be cooperative and be respectful, and at the end you give to the bailiff or whoever, wherever you are, just so they can see it or get a copy of it. It is your protection. That what we are recommending.

SANDY DRUMMOND: I would also suggest that the copy it and let the clerk have a copy of it. I don't know how it is in your system. Whoever processes payment is the purchaser, they can have a copy of it. And then if there were concerns about whether or not the consumer would look at who was the consumer, what is the definition of a consumer.

GLENACE HUMPHREY: It seems like maybe our courts are a little different. Since many of us go through the agency, the agencies hold onto all of those documents that are needed.

SANDY DRUMMOND: Right. You may want to make sure the agency is complying with these things. They are acting on your behalf.

GLENACE HUMPHREY: The agencies I have worked for are complying.

LORI KNABE: Okay. So is there any more discussion? Oh, we have another on page 11. This person wants us to do specific guidelines for educational interpreters.

SANDY DRUMMOND: I think the concern may have been about the same issues we talked about before, about being part of the educational team. And we decided earlier not to make any changes.

WILLIAM ROSS III: We addressed all the issues that Vicki brought up. We are on page 16.

LORI KNABE: Page 16. We talked about this, this third party. We addressed that. And the late fee. We addressed that. Okay. Terrific. Why don't we –

GLENACE HUMPHREY: Oh, is this the finish of this. I mean are you almost -- because I know someone said you had just a few minutes. Can I ask one, just one last question. Adding to what Art was saying, oh, please don't leave. -- oh, yes, thank you. I have been holding it for a long time. (LAUGHTER). Regarding complaints, how far back, how retroactively, how far back can a complaint be handled? I mean if something happened, obviously, within this year, I suppose. But if it is -- if it happened prior to '98, because I know that question has been asked of us. And I don't have a clue.

LORI KNABE: What I am hearing from the experts, is someone can complain at any time, about any event, yes. But the Committee is going to take that into consideration when they receive the complaint.

GLENACE HUMPHREY: So there is no statute of limitations like there is on stealing or I don't know, something. I am just curious because we have been asked. And it is like, I don't know. Okay, well we'll just wait to hear from you.

LORI KNABE: I am sorry. I don't mean to not answer.

GLENACE HUMPHREY: Well, it probably didn't come up until, you know, art brought it forward. I am thinking, oh, people have been asking. I thought that's something that maybe you considered. So we would –

LORI KNABE: So I mean certainly the Committee is going to take that into consideration, when the statute happened and whether it is in the past, or if it happened before the rules are finalized. Are there any other comments or concerns?

GLENACE HUMPHREY: Thank you so much for all of your work. It really is a very well thought out document. Thank you very much. And we did not come here to complain. It is all just questions.

LORI KNABE: No, we appreciate your input. We are going to take a recess and bathroom breaks. And then the Committee needs to come back and finish up for the closed session.